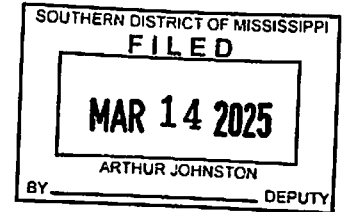


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION



KENNEDY BOAT WORKS, L.L.C.

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:25cv70TBM-RPM

**A RECREATIONAL VESSEL *MATERIALS SCIENCES*,
A FORMERLY DOCUMENTED VESSEL,
OFFICIAL NUMBER 548477, and
KENNY LOBELL, Individually**

DEFENDANT

VERIFIED COMPLAINT

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI:**

COMES NOW, KENNEDY BOAT WORKS, L.L.C., a Limited Liability Company, and brings this its Verified Complaint against Kenny Lobell, individually, and the Recreational Vessel *Materials Sciences*, a formerly documented vessel bearing Official Number 548477 in a Complaint to foreclose on a Maritime Lien and alleges the following, to-wit:

PARTIES

1.

The Plaintiff, KENNEDY BOAT WORKS, L.L.C., (hereinafter referred to as "KBW"), is a Limited Liability Company organized under the laws of the United States having its Principal Address at 10220 Three Rivers Road Gulfport, MS 39503.

2.

The Recreational Vessel *Materials Sciences*, is a formerly documented vessel bearing Official Number 548477, and is now or will be during the pendency of process hereunder within the district and within the jurisdiction of this Court.

3.

The Defendant, Kenny Lobell (hereinafter referred to as “Lobell”) is an adult resident citizen of New Orleans, LA - 70118, residing at 473 Walnut Street. At all times mentioned herein, Lobell is the owner of the Recreational Vessel *Materials Sciences*, Official Number 548477.

JURISDICTION AND VENUE

4.

This is an admiralty and maritime claim within the jurisdiction of the United States and of this Court and within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. More particularly, this action is brought pursuant to and in accordance with the provisions of 46 U.S.C. Section 31322 and Section 31325 of the laws of the United States dealing with Shipping - Commercial Instruments and Maritime Liens. Venue is in the Southern Division of the Southern District of Mississippi as this in the division and district where the vessel may be found.

STATEMENT OF FACTS AND CAUSE OF ACTION

5.

The Recreational Vessel *Materials Sciences*, Official Number 548477, is generally described as follows:

1. This is a Recreational Vessel rigged as a yacht;
2. A length of 58.3 feet;
3. A Hull breadth of 15.8 feet;
4. A Hull Depth 7.0 feet;
5. The vessel displaces a gross tonnage of approximately 37.5 tons;
6. Hailing Port – Not Marked.
7. Name – Not Marked.

The vessel is more particularly described in a copy Certificate of Documentation attached hereto as Exhibit “A” and incorporated herein. The documentation was allowed to expire.

6.

At all times mentioned herein Plaintiff is in the business of repairing, building, restoring and customizing marine vessels.

7.

The M/V *Materials Sciences* is a marine vessel having dimensions as set forth above. Is a pleasure yacht of fiberglass construction, twin screw, diesel power which was purchased by Lobell herein from Augusta Arbor, L.L.C., 135 Rock Road, Horsham, PA 19044 on or about February 22, 2017. The M/V *Materials Sciences* was at KBW’s business location for repairs and renovations.

The vessel was repaired, restored, painted, reconditioned and made seaworthy by KBW at the direction of the owner, Lobell, for which Lobell was to pay to KBW. KBW supplied goods, betterments, parts and labor, docking and other shipyard services to the vessel for which KBW has not been paid. As a result, KBW has acquired a maritime lien on the vessel all as recognized by traditional Maritime Law.

On or about the 4th day of February, 2025 the M/V *Materials Sciences* was taken for sea trials with Lobell, his captain and representatives of KBW. Thereafter the vessel was tied at the dock of KBW in Gulfport, Mississippi. On or about, Sunday, the 9th of March, 2025, when the yard was not in operation, Lobell, Capt. Sean Hales, the harbormaster for the city of Bay St. Louis, and a mechanic whose identity is unknown, gained access to the M/V *Materials Sciences* and wrongfully removed said vessel from the possession of KBW in an attempt to avoid the lien of KBW and not pay the outstanding invoices.

Attached hereto as Exhibit “B” and incorporated herein is a Copy of the Statement of Account and Invoices which set out the outstanding balances due in the amount of Three Hundred Six Thousand, Seven Hundred Ninety and 40/100 Dollars (\$306,790.40).

9.

The Recreational Vessel *Materials Sciences*, is presently located at Bay Saint Louis Municipal Harbor, 100 Jody Compretta Dr - 39520, in Bay St Louis, Mississippi.

10.

In addition to the above, KBW is entitled to recover its reasonable attorneys’ fees for the prosecution of this claim plus all costs and expenditures in the cause.

11.

By reason of the premises, KBW has sustained a loss in the amount of Three Hundred Six Thousand, Seven Hundred Ninety and 40/100 Dollars (\$306,790.40), plus its reasonable attorneys’ fees, plus all expenses incurred in the cause and plus interest thereon. KBW is entitled to be paid by priority from the of the vessel.

PRAYER

WHEREFORE, premises considered, Plaintiff, KENNEDY BOAT WORKS, L.L.C., prays for the following:

1. That the Defendant, Kenny Lobell, be summonsed to appear and answer this Verified Complaint;
2. That a warrant for the arrest of the Recreational Vessel *Materials Sciences*, Official Number 548477, her masts, boilers, cables, engines, machinery, rigging, electronics, furnishings, etc. and all other appurtenances may be issued and that all persons claiming an interest therein may be cited to appear and answer the matters aforesaid and that the Recreational

Vessel *Materials Sciences*, Official Number 548477, her masts, boilers, cables, engines, machinery, rigging, electronics, furnishings, etc. and all other appurtenances may be condemned and sold to pay the demands and claims to the aforesaid with interest and costs and to pay any and all other amounts required to be paid by Kenny Lobell to KBW under the Maritime Lien and the Note with interest, costs and attorneys' fees and that KBW have such other and further relief as justice may require;

3. That the United States Marshal seize and arrest the aforementioned vessel and transfer it into the custody of the court appointed consent keeper.

4. That the Maritime Lien of the Plaintiff, KENNEDY BOAT WORKS, L.L.C., may be declared to be a valid and subsisting lien upon the Recreational Vessel *Materials Sciences*, Official Number 548477, her masts, boilers, cables, engines, machinery, rigging, electronics, furnishings, etc. and all other appurtenances prior and superior to the interest, liens or claims of any and all other persons, firms or corporations as may hold maritime liens of any nature on the vessel;

5. That default of the payment of the sums found to be due and payable to KBW under the Maritime Lien and invoices together with interest and a sum sufficient to pay the cost of this suit and attorneys' fees, and it be decreed that any and all persons, firms or corporations claiming interest in the Recreational Vessel *Materials Sciences*, Official Number 548477, are forever barred and foreclosed of and from any and all right and equity of redemption of claim, in or to the Recreational Vessel *Materials Sciences*, Official Number 548477, her masts, boilers, cables, engines, machinery, rigging, electronics, furnishings, etc. and all other appurtenances;

6. That this Court may direct the manner in which actual notice of the commencement of this suit shall be given by KBW to Lobell, the ranking officers or caretakers

of the Recreational Vessel *Materials Sciences*, Official Number 548477, and to any person, firm or corporation to claim said vessel has recorded a notice of claim of and undischarged lien upon the vessel as provided in 46 U.S.C. Section 31325;

7. That this Court enter a Judgment in favor of the Plaintiff, KENNEDY BOAT WORKS, L.L.C., in the amount of its claim under invoices and account with interest, costs and attorney's fees and that the Recreational Vessel *Materials Sciences*, Official Number 548477, her masts, boilers, cables, engines, machinery, rigging, electronics, furnishings, etc. and all other appurtenances be condemned and sold to pay the demands and claims aforesaid;

8. That any sums resulting from the sale of the Recreational Vessel *Materials Sciences*, Official Number 548477, her masts, boilers, cables, engines, machinery, rigging, electronics, furnishings, etc. and all other appurtenances be applied against the KBW's claim hereunder;

9. That execution issue against Kenny Lobell in the amount of any deficiency resulting thereafter from said sale;

10. That a judgment may be entered against Kenny Lobell in favor of the Plaintiff, KENNEDY BOAT WORKS, L.L.C., in the amount of its claim with interest, costs and attorneys' fees and that the Recreational Vessel *Materials Sciences*, Official Number 548477, her masts, boilers, cables, engines, machinery, rigging, electronics, furnishings, etc. and all other appurtenances may be condemned and sold to pay the demands and claims of the aforesaid;

11. That the Plaintiff have such other and further relief as justice may require and this Court may grant.

Respectfully submitted this the 14th day of March, 2025.

RUSHING & GUICE, P.L.L.C.
ATTORNEYS FOR
KENNEDY BOAT WORKS, L.L.C.

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VERIFICATION

STATE OF MISSISSIPPI

COUNTY OF HARRISON

BEFORE ME, the undersigned authority, a Notary Public in and for said County, in said State, personally appeared Timothy Kennedy, who, upon being first duly sworn, did depose and say as follows:

My name is Timothy Kennedy, a/k/a Tim Kennedy. I am a corporate officer and manager for KENNEDY BOAT WORKS, L.L.C., Plaintiff in this cause. I have read the foregoing Verified Complaint and the contents thereof and according to my information and belief, all of the facts contained therein are true. The source of my information and grounds for my belief as to matters therein stated are based upon my personal knowledge and upon the records of KENNEDY BOAT WORKS, L.L.C.

KENNEDY BOAT WORKS, L.L.C.,

BY:


TIMOTHY KENNEDY

Subscribed and sworn to before me this the 13th day of March, 2025.

My Commission Expires:

11/15/2025




NOTARY PUBLIC